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## CITY OF BOSTON

## SEXUAL-HARASSMENT POLICY/INVESTIGATION PROCEDURE

- It is the policy of the City of Boston to promote a workplace that is free of sexual harassment or any other form of harassment. *Harassment of employees occurring in the workplace or in other settings in which employees find themselves in connection with their employment is unlawful and will not be tolerated by the City of Boston*
- The policy is not designated or intended to limit our authority to discipline or take remedial action for workplace conduct which the City of Boston deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

## SEXUAL-HARASSMENT DEFINITION

- **Sexual harassment means sexual advances, request for sexual favors and verbal or physical conduct of a sexual nature when:**

**submission to or rejection of such advances, request or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;**

**or**

**such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.**

## EXAMPLES OF SEXUAL HARASSMENT

- The following are some examples of conduct, which if unwelcome, may constitute harassment:
  - Sexual advances - whether they involve physical touching or not;
  - Displaying sexually suggestive objects, pictures, cartoons;
  - Leering, whistling, brushing up against, sexual gestures, suggestive or insulting comments;
  - Inquires into one's sexual activities;
  - Use of sexual epithets, written or oral reference to sexual conduct, gossip regarding one's sex life;
  - Comment on an individual's sexual activity, deficiencies, or prowess;
  - Assault or coerced sexual acts.
  - Sexual jokes.

## NOTIFICATION

- Employees may notify their immediate supervisor, Cabinet Officer, Department Head, Director of Human Resources, the Director of Affirmative Action, Dr. Arlyne F. Grant at 635-3360 in Room 612 of City Hall or the Affirmative Action Monitor, Eric A. Thompson at 635-2787 in Room 612 of City Hall regarding any incident whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating to male or female workers.
- When **supervisors** are notified of such incidents, **they have a responsibility to notify** the Office of Affirmative Action.
- If an employee believes that he or she has been subjected to harassment, the employee has the right to file a complaint with the City. This may be done orally or in writing. Oral complaints must be submitted in writing within 48 hours of the oral complaint. The Office of Affirmative Action attempts to mediate the problems in an expeditious manner.

## INVESTIGATION PROCEDURE

- Because the City of Boston takes allegations of harassment seriously, it will respond promptly to complaints of harassment.
- The grievance procedure is designed to facilitate a prompt internal review of the allegations and a fair and equitable resolution of the situation.
- The investigation procedure generally involves the following steps:

### Fact gathering:

- a. **Compiling** written or oral statements from all involved in the situation, including witnesses
  - b. **Collecting** personnel records that may establish facts (includes pay records, job assignments, promotions, transfers, working hours, performance appraisals, etc.)
  - c. **Interviewing** will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed the harassment will also be interviewed.
- A complaint may be determined to be:
    - a. **Founded**-the incident occurred as charged
    - b. **Unfounded**-the incident is not harassment
    - c. **Inconclusive**- there is insufficient evidence to make a ruling either way.
  - **Intervention - Resolution:** We will to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. Any employee of the City of Boston who is found after an investigation to have harassed and or discriminated against another in the workplace **will be subject to disciplinary action up to and including termination.**

## FURTHER INFORMATION

- The Office of Affirmative Action is sensitive to the thoughts and feelings of those involved and will treat every employee seeking advice or filing a grievance with seriousness and maintain confidentiality to the extent practicable.
- Any form of retaliation against an employee who has filed a complaint or who has cooperated in the investigation of such a complaint will not be tolerated and will be the subject of a separate harassment complaint and investigation.
- At any time, you may file a complaint through State or Federal agencies or courts empowered to enforce anti-harassment laws.
- In addition to a formal investigation of the complaint, **an informal mediated procedure** may be available to you depending on the severity of the incident and the agreement of all parties to mediate the matter.

## OTHER LEGAL RECOURSE

### STATE

Massachusetts Commission Against Discrimination (MCAD)  
Room 601  
One Ashburton Place  
Boston, MA 02108  
617-727-3990

(6 month filing period)

### FEDERAL

United States Equal Employment  
Opportunity Commission (EEOC)  
One Congress Street  
Boston, MA 02114  
617-565-3200

(180 day filing period)



